

No. 339.

A N A C T

To secure the cities of Pittsburgh and Allegheny, and the neighborhood thereof, from damage by gun-powder; to incorporate an association for the establishment of a house of refuge for western Pennsylvania; and relative to the Pennsylvania State Lunatic hospital.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same.* That from and after the passage of this act, it shall not be lawful for any merchant, shop-keeper, or other person or persons whatsoever, to keep, deposit, or store any greater quantity of gun-powder than thirty pounds weight in any boat, ark, store, shop, warehouse, house, cellar or other apartment, in the cities of Pittsburg or Allegheny, or the neighborhood thereof, within five miles of the new court house at any one time, except in the magazines or other buildings constructed for the storage of gun-powder, and regulated under the provisions of the third and fourth sections of this act.

Unlawful for shop-keepers or other persons in the cities of Pittsburg and Allegheny, to keep or deposit gun-powder in certain quantities, &c.

To be kept separate from other goods, &c.

SECTION 2. That the aforesaid quantity of gun-powder allowed to be kept within said cities, or within five miles of the new court house aforesaid, shall be deposited in a place by itself, separate from other goods and commodities, and shall be secured by lock and key, or in some other safe manner.

Court of quarter sessions of Allegheny county to declare magazines, &c. nuisances in certain cases.

SECTION 3. That it shall be the duty of the judges of the court of quarter sessions of the peace of the county of Allegheny, upon the application of any resident of said county, setting forth, under oath or affirmation, that he verily believes that any magazine, or other building now in use for the storage of gun-powder within the said county of Allegheny, endangers the safety of the cities of Pittsburg and Allegheny, and their suburbs, or either of them, to inquire into the truth of such allegation, and after careful investigation, to decide thereon; and if the said court shall be of opinion that such magazine, or other building used for the purpose aforesaid, is unsafe to the people of said cities or suburbs, or either of them, either on account of its location, construction or management, it shall be the duty of said court to declare the *sum* to be a nuisance.

Location of magazines.

SECTION 4. That no magazine, or other building to be used for the storage of gun-powder, shall hereafter be constructed within five miles from the court house of said county, until the location and plan thereof shall be first approved by said court; and any person offending against this act, or any order or decree of said court relative thereto, shall be deemed guilty of a misdemeanor, and on being convicted thereof, shall be punished by fine, at the discretion of the court, not exceeding five hundred dollars, for the use of the county.

Retailers, how to be supplied with gun-powder.

SECTION 5. That for the purpose of supplying retailers of gun-powder within the limits hereinbefore prescribed, it shall and may be lawful to introduce the same in kegs, well made, sufficiently tight, each carefully enclosed in sound and proper bags, and laid in a close-bodied carriage, cart or wagon, covered with painted canvass.

Provisions of this act not to apply

SECTION 6. That the provisions of the previous sections of this act shall not apply to gun-powder in transitu over the public works of this

commonwealth: *Provided*, That the same shall not be permitted to remain within the said cities and suburbs on board of the canal boat, transitu. or water craft transporting the same, for a longer period than twelve hours.

SECTION 7. That this act shall not be construed to interfere with any existing ordinances of the cities of Pittsburg and Allegheny, or with any powers which said cities at present possess, to regulate the storage of gun-powder within their respective limits.

SECTION 8. That the United States arsenal, located in Allegheny county aforesaid, be and the same is hereby exempted from the operation of so much of the provisions of this act, would exclude the keeping, deposit and storage of gun-powder at said arsenal, and on the ground thereto attached belonging to the United States; and furthermore, that the provisions of this act shall not extend to the storage house or houses of manufacturers already erected.

SECTION 9. That it shall be unlawful for any person to transport gun-powder over any railroad, canal or slack-water in this commonwealth, unless the keg, barrel, box, or other vessel containing the same, shall be distinctly and conspicuously marked by having the word "gun-powder" written or printed thereon; and every violation of this section shall subject the person or persons so offending, to be prosecuted by indictment in the court of quarter sessions of the proper county, and punished by fine not exceeding five hundred dollars, and imprisonment not exceeding six months, or either of them, at the discretion of the court; and it is hereby made the duty of the canal commissioners to give due notice of the provisions of this section along the lines of the public works of this commonwealth.

Kegs, barrels, boxes, &c., containing gun-powder, to be labeled.

SECTION 10. That all such persons as shall become subscribers to an association, in the manner hereinafter provided, shall be a corporation and body politic in law, by the name, style and title of "The House of Refuge of western Pennsylvania;" and by that name, and style and title shall have perpetual succession, with the power to have a common seal, and to change the same at pleasure; to establish, erect and manage a house of refuge in the counties of Allegheny or Westmoreland, and to make contracts relative to the same; to sue and be sued, and by that name and title be capable, in law, of purchasing, taking, holding and conveying any estate, real or personal, for the use of the said corporation; and to establish by-laws and orders for the regulation of the institution, and the preservation and application of the funds thereof: *Provided*, The same be not repugnant to the constitution and laws of the United States or of this commonwealth.

Privileges.

SECTION 11. That every person who shall subscribe the articles of such association, and pay to the funds of the institution the sum of fifty dollars, or ten dollars annually, for the term of six years, shall be a member for life; and every person paying the sum of two dollars annually, shall be a member while he continues to contribute the said sum; such payment to be made at the time and in the manner to be prescribed by the by-laws of the said association.

Life members.

SECTION 12. That the estate and concerns of the said corporation shall be conducted by the following officers, to wit: a president, a vice president, a treasurer and a secretary, and twelve managers, of whom five shall constitute a quorum for the transaction of business, who shall appoint, from their own body, a chairman and secretary, and prescribe the duties of each; that the members of the said association shall meet within thirty days after five thousand dollars shall have been subscribed, for the purposes provided for by this act, and on the first Monday of January annually thereafter, at such place within the counties of Alle-

Officers.

Quorum.

Annual election.

gheny or Westmoreland as the board of managers may from time to time appoint, and of which the president, or in case of his absence or refusal to give the same, the vice president, or any member of the said association, shall give notice, in at least two the daily papers published in the city of Pittsburg, and one weekly paper in the borough of Greensburg, and elect, by a plurality of votes, the aforesaid officers; and whenever any vacancy shall occur, by death, resignation or otherwise, the same shall be filled, for the remainder of the year, by such person, being a subscriber to the articles of association, as the board of managers for the time being, or a majority of them, shall appoint: *Provided*, That the notice of the first election may be given by a committee of the contributors appointed for the purpose.

Failure of annual election not to dissolve said corporation.

SECTION 13. That if the annual election shall not take place on the day appointed for that purpose, the said corporation shall not therefor be dissolved, but the members of the said board shall continue in office until a new election, which shall be had at such time and place, and after such notice, as the said board shall prescribe; and in case of an equality of votes for any one or more persons, the said board shall determine which of such persons shall be considered as elected.

Buildings.

SECTION 14. That the board of managers shall provide a suitable building as a house of refuge in the city of Pittsburg, the county of Allegheny or the county of Westmoreland, and establish such regulations respecting the religious and moral education, training, employment, discipline and safe keeping of its inhabitants, as may be deemed expedient and proper.

Who may be admitted.

SECTION 15. That it shall be lawful for the board of managers of said house of refuge, at their discretion, to receive into their care and guardianship infants, males under the age of twenty-one years, and females under the age of twenty-one years, committed to their custody in either of the following modes, to wit:

First. Infants committed by an alderman or justice of the peace on the complaint, and due proof made thereof by the parent, guardian or next friend of such infant, that by reason of incorrigible or vicious conduct, such infant has rendered his or her control beyond the power of such parent, guardian or next friend, and made it manifestly requisite, that from regard to the morals and future welfare of such infant, he or she should be placed under the guardianship of the managers of the said house of refuge.

Second. Infants committed by the authority aforesaid, where complaint and due proof have been made that such infant is a proper subject for the guardianship of the managers of the said house of refuge, in consequence of vagrancy, or of incorrigible or vicious conduct, and that from the moral depravity or otherwise of the parent, or guardian or next friend, in whose custody such infant may be, such parent, guardian or next friend is incapable or unwilling to exercise the proper care and discipline over such incorrigible or vicious infant.

Third. Infants who shall be taken or committed as vagrants or upon any criminal charge, or duly convicted of criminal offences as may in the judgment of the court of oyer and terminer, or of the court of quarter sessions of the peace of any county within the western district; and the said managers shall have power to place the said children committed to their care, during their minority, at such employment, and cause them to be instructed in such branches of useful knowledge as may be suitable to their years and capacities; and they shall have power at their discretion to bind out the said children, with their consent, as apprentices during their minority to such persons and at such places, to learn such proper trades and employments as in their judgment will be most

conducive to the reformation and amendment, and will tend to the future benefit and advantage of such children.

SECTION 16. That it shall be the duty of any alderman or justice aforesaid, committing a vagrant, or incorrigible or vicious infant as aforesaid, in addition to the adjudication required by the sixth section of this act, to annex to his commitment the names and residences of the different witnesses examined before him, and the substance of the testimony given by them respectively, on which the said adjudication was founded.

Aldermen and justices of the peace, duties of.

SECTION 17. That it shall be the duty of the president judge of the court of common pleas and the judges of the district court of Alleghen county, or the judges of the court of common pleas of Westmoreland county, alternately, in such manner as may be arranged between them at a joint meeting for that purpose, from time to time held, to visit the said house of refuge at least once in two weeks, or oftener if to said judges it shall seem requisite; and it shall be the duty of the judge so visiting the house of refuge, carefully to examine into all the commitments to the said house of refuge, made by the aldermen or justices aforesaid, that have not previously been adjudged upon by one of the said judges in the manner hereinafter directed, which commitments it shall be the duty of the managers truly and correctly to lay before such judge; and on such examination such judge shall have produced before him by the managers aforesaid, their superintendent or agent, the infant or infants described in such commitment, and the testimony upon which he or she shall have been adjudged a fit subject for the guardianship of the said managers, or on which he or she shall be claimed to be held as such; and if after examining the infant and such testimony the said judge shall be of opinion that, according to the laws of this commonwealth regulating the control of infants, a case has been established which, in his opinion, would, according to law, authorize the transfer of the parental authority over such infant, to the managers of the said house of refuge; then and in that case it shall be the duty of the said judge to endorse an order on the commitment of the alderman or justice, or direct the infant to be continued under the guardianship of the said managers, after which it shall be lawful for the said managers to exercise over all such infants the powers and authorities given them by this act; but if the said judge shall be of opinion that such case has not been made out, he shall order such infant to be forthwith discharged, which order shall be obeyed by the managers, under the pains and penalties provided by law against wrongful imprisonment: *Provided*, That it shall be the duty of said judge, at the request of such infant, or any person on his or her behalf, to transfer such hearing to the court house of the court of which he is a member, in order that the infant may have the benefit of counsel and compulsory process, to obtain witnesses in his or her behalf, which such judge is authorized to award as fully and amply as any judge or court could do on the hearing of a writ of habeas corpus: *And provided also*, That nothing in this act shall be construed to interfere with the provisions of an act for the better securing of personal liberty, and preventing unlawful imprisonment, passed on the eighteenth day of February, one thousand seven hundred and eighty-five.

Duties of the judges of the courts of Allegheny and Westmoreland counties.

SECTION 18. That the said managers may from time to time make by-laws, ordinances and regulations relative to the management, government, instruction, discipline, employment and disposition of the said children while in the said house of refuge, not contrary to law, as they deem proper; and may appoint such officers, agents and servants as they may deem necessary, to transact the business of the said corporation, and may designate their duties; and further, the said managers

By-laws.

shall annually lay before the contributors on the first Monday of January, and transmit to the legislature a report, setting forth the number of children received into the said house of refuge, the disposition which shall be made of them by instructing or employing them in the said house of refuge, or by binding them out as apprentices, the receipts and expenditures of said managers, and generally all such facts and particulars as may tend to exhibit the effects, whether beneficial or otherwise, of the said association; and the right is hereby reserved to the legislature to alter, amend or repeal this act.

Expenses, by
whom to be paid.

SECTION 19. That the children received by said managers under the conviction of any court within the said western district, shall be clothed, maintained and instructed by the said managers at the public expense of the proper county from which they came; and the accounts of said children shall be kept by the said managers in the same manner that the accounts of convicts in the penitentiaries are now directed to be kept by the inspectors thereof.

Property exempt
from taxation.

SECTION 20. That the ground and buildings erected thereon for the use and object of said association, shall be exempt from taxation.

\$20,000 hereby
appropriated to
said institution.

SECTION 21. That the sum of twenty thousand dollars be and the same is hereby appropriated to aid in the purchase of ground and the erection of buildings for the uses and objects of said association, the said sum to be paid by the state treasurer on the warrants of the governor, to be drawn when he shall be satisfied that an equal amount has been bona fide subscribed by other responsible parties, and the warrants shall only be drawn for amounts equal to the aggregate payments made from time to time by such other contributors: *Provided*, That each of the stockholders or members of the said company, shall have one vote and no more, in any matter pertaining to the institution or its affairs.

Proviso.

Pennsylvania
State Lunatic
hospital, relative
to.

SECTION 22. That so much of the first section of the act of assembly passed the seventh day of April, one thousand eight hundred and forty-nine, entitled "A further supplement to the act relative to the Pennsylvania State Lunatic hospital, passed April fourteenth, one thousand eight hundred and forty-five," as provides that the proceeds of the sale of the site for an asylum for the insane of the commonwealth, (authorized to be made by said act) shall be paid into the treasury of the commonwealth, be and the same is hereby directed to be paid over to the commissioners of the Pennsylvania State Lunatic hospital, on warrants to be drawn by the governor, and to be by them expended in beautifying and embellishing the grounds around said hospital, and to be accounted for to the accounting officers of this commonwealth.

J. S. M'CALMONT,

Speaker of the House of Representatives.

V. BEST,

Speaker of the Senate.

—APPROVED—The twenty-second day of April, one thousand eight hundred and fifty.

WM. F. JOHNSTON.